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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
09/272,467	03/19/1999	HIDEO KOJIMA	WNX3.0-008	5682
530	7590	10/04/2004	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMLHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			JONES, SCOTT E	
		ART UNIT	PAPER NUMBER	3713

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/272,467	KOJIMA, HIDEO	
	Examiner Scott E. Jones	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 July 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-42 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-42 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 09 August 1999 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03102004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment and Request for Continued Examination filed on July 6, 2004 in which applicant amends claims 1, 9, 21, and 32, submits a supplemental Information Disclosure Statement, and responds to the claim rejections. Claims 1-42 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on July 6, 2004 has been entered.

Claim Objections

3. Claims 9 and 21 are objected to under 37 C.F.R. 1.75 because:

- Claim 9 lacks a proper preamble.
- In Claims 9 and 12, each element should be separated a line indentation.
- In claims, the acronym "CG" including all other acronyms must be written in full form at least once in the claim so that the scope of the claims can be readily ascertained.

Correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 9, 19-20, 32, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al. (WO97/36261).

Takahashi et al. discloses an image processing method executed by a computer (video game) wherein the position of the viewpoint can be moved in real time in response to a positional relationship, which is constantly changing as the player controls the game, it is possible to achieve fine, stepless movement of the viewpoint, in contrast to conventional technology which provides only several types of viewpoint. By the change of screens accompanying this movement of the viewpoint, the player can view the game from the optimum viewpoint at all times. For example, if the character is going up a slope, a viewpoint looking upwards is adopted so that a good view of the top of the slope is obtained, while if the character is leaping across a deep valley, by looking directly downwards, the width of the valley can be perceived readily. The viewpoint is moved automatically, requiring no operation by the player (other than controlling the game character); therefore, no extra burden is placed on the player (See whole document).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 11, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (WO97/36261).

Takahashi et al. teaches that as discussed above with respect to claims 1, 9, 19-20, 32, and 39. Takahashi et al. meets all of the applicant's claimed subject matter with the possible exception of the processing method wherein a movement command is accepted when producing a bird's eye view and intrude mode scene image, while the movement command is unacceptable when producing a scene image from the character's view point. Takahashi et al. discloses that a joystick, pushbuttons, and other means are employed in the video game operating panel such that a player can manipulate a character. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to only accept a movement command in views that show the character and its surroundings giving the player a better opportunity to guide his/her character around upcoming obstacles. A movement command in the bird's eye view would be impractical if the viewpoint is away from the character, that is, the viewpoint is in the air and turned 180 degrees away from the character.

8. Claims 3-5, 12-13, 15, 35, and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (WO97/36261) in view of Rieder (U.S. 5,769,718).

Takahashi et al. teaches that as discussed above with respect to claims 1, 9, 19-20, 32, and 39. Takahashi et al. meets all of the applicant's claimed subject matter with the possible exception of the processing method wherein a character is detected behind a wall and cannot be

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seen, a scene image is then produced objectively viewing the character. Rieder teaches in the abstract, summary, and detailed description a processing method that detects a character behind a wall and produces an image such that the wall is transparent, thereby displaying all objects behind the wall, in addition to the image produced from the player's point of view. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to modify Takahashi et al.'s game device to display objects located behind walls or obstacles along the road before they dash out as impediments for a player to maneuver a vehicle around making a game more fun and challenging.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (WO97/36261) in view of Rieder (U.S. 5,769,718) as applied to claims 3-5, 12-13, 15, 35, and 37-38 listed above in further view of Mukojima et al. (U.S. 5,768,393).

Takahashi et al. in view of Rieder teaches that as discussed above with respect to claims 3-5, 12-13, 15, 35, and 37-38. Takahashi et al. in view of Rieder does not explicitly disclose that different sound effects are produced depending on the viewpoint displayed on the display unit. Mukojima et al. teaches a processing method that contains a sound source processor unit that controls sound to be generated according to the position and direction of an object according to claim 1. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to provide sound effects in the game device of Takahashi et al. in view of Rieder resembling gun fire when ambushed by an enemy from the side of the road to make a game more intense and real for the player.

10. Claims 6-7, 16-17, 34 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (WO97/36261) in view of Logg (U.S. 5,616,031).

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Takahashi et al. teaches that as discussed above with respect to claims 1, 9, 19-20, 32, and 39. Takahashi et al. meets all of the applicant's claimed subject matter with respect to claims 6 and 16 with the possible exception of the processing method wherein a radar image produced shows the field of vision of the character and enemy. Logg does have a radar image (figure 4), but remains silent to the field of vision feature that enables a player's character to see an enemy's field of vision, in addition to his own, on the radar image displayed on the display unit. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to modify Takahashi's game device to display a radar image such that the field of vision was in the direction of movement towards an enemy in the same line of sight as the "locking on" mechanism described in Logg to make a game easier to play.

Takahashi et al. meets all of the applicant's claimed subject matter with respect to claims 7, 17, and 40 with the possible exception of the processing method wherein a radar image changes color when a character gets in the player's field of vision. Logg shows, in column 11, lines 13-15, an image processing method that produces and displays an image on the display unit of a target reticle for "locking on" to airborne targets that changes from red to white when a target is locked on to get the player's attention. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to provide a radar image that changed colors when an opposing vehicle target was within striking distance to get a player's attention to "lock on" and destroy an enemy target in the Takahashi et al. game.

Takahashi et al. meets all of the applicant's claimed subject matter with respect to claim 34 with the possible exception that the change in viewpoints interchangeably between a character's perspective and a bird's eye view perspective are user selectable via an external

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command. Column 3, lines 5-21 in Logg teaches user selectable viewpoints. It is widely known in driving games that a player can switch between a bird's eye view and a character's perspective view by manipulating a joystick and push buttons. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention was made, to modify Takahashi et al.'s game to accept player's inputs from a joystick and push buttons to interchange between a player's perspective and a bird's eye view to give a player an opportunity to see the road and it's surroundings from a different viewpoint.

11. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (WO97/36261) in view of Logg (U.S. 5,616,031) as applied to claims 6-7, 16-17, 34 and 40 listed above and in further view of Mukojima et al. (U.S. 5,768,393).

Takahashi et al. in view of Logg teaches that as discussed above with respect to claims 6-7, 16-17, 34 and 40. Takahashi et al. in view of Logg does not explicitly disclose that different sound effects are produced depending on the viewpoint displayed on the display unit. Mukojima et al. teaches of a processing method that contains a sound source processor unit that controls sound to be generated according to the position and direction of an object according to claim 1. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to provide sound effects in the game device of Takahashi et al. in view of Logg resembling gun fire when ambushed by an enemy from the side of the road to make a game more intense and real for the player.

12. Claim 8, 18, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (WO97/36261) in view of "Corpse Killer" (Video Game by 3DO).

Takahashi et al. teaches that as discussed above with respect to claims 1, 9, 19-20, 32, and 39. Takahashi et al. meets all of the applicant's claimed subject matter with the possible exception of the processing method wherein a character can selectively choose and use any one item displayed on the display unit and scrolled in sequence. The video game, "Corpse Killer," teaches of a 3DO hand controller that allows a player to scroll through a menu on the bottom of the display unit and change the type of ammunition that the main characters are utilizing to kill the corpses by pressing the "B" button repeatedly. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to modify the game device of Takahashi et al., to utilize the push buttons on the video game control panel, to scroll through a variety of weapons in sequence, to choose to defend a character upon an ambush by an enemy while driving along the side of the road.

13. Claims 10, 21-22, 30-31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (WO97/36261) in view of Mukojima et al. (U.S. 5,768,393).

Takahashi et al. teaches that as previously discussed above with respect to claims 1, 9, 19-20, 32, and 39. Takahashi et al., with respect to claims 10, 21 and 33, does not explicitly disclose that different sound effects are produced depending on the viewpoint displayed on the display unit. Additionally, Takahashi et al. does not explicitly disclose that different sound effects are produced depending on the motion and position of the character nor does he explicitly disclose that different sound effects are produced depending on the scene image displayed on the display unit. Mukojima et al. teaches, in claim 1, a processing method that contains a sound source processor unit that controls sound to be generated according to the position and direction of an object. It would have been obvious to one having ordinary skill in the art, at the time of the

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applicant's invention, to provide sound effects in the game device of Takahashi et al. resembling gun fire when ambushed by an enemy from the side of the road to make a game more intense and real for the player.

Takahashi et al. meets all of the applicant's claimed subject matter with respect to claim 22 with the possible exception of the processing method wherein a movement command is accepted when producing a bird's eye view and intrude mode scene image, while the movement command is unacceptable when producing a scene image from the character's view point. Takahashi et al. discloses that a joystick, pushbuttons, and other means are employed in the video game operating panel such that a player can manipulate a character. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to only accept a movement command in views that show the character and its surroundings giving the player a better opportunity to guide his/her character around upcoming obstacles. A movement command in the bird's eye view would be impractical if the viewpoint is away from the character, that is, the viewpoint is in the air and turned 180 degrees away from the character.

Regarding claims 30-31, Takahashi et al. already teaches of computer hardware consisting of RAM and ROM that stores the image element data required to produce scene and character images in three dimensional computer graphics.

14. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (WO97/36261) in view of Mukojima et al. (U.S. 5,768,393) as applied to claims 10, 21-22, 30-31, and 33 listed above and in further view of Rieder (U.S. 5,769,718).

Takahashi et al. in view of Mukojima et al. teaches that as discussed above with respect to claims 10, 21-22, 30-31, and 33. Takahashi et al. in view of Mukojima et al. meets all of the

applicant's claimed subject matter with the possible exception of the processing method wherein a character is detected behind a wall and cannot be seen, a scene image is then produced objectively viewing the character. Rieder teaches in the abstract a processing method that detects a character behind a wall and produces an image such that the wall is transparent, thereby displaying all objects behind the wall, in addition to the image produced from the player's point of view. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to modify Takahashi et al.'s game device to display objects located behind walls or obstacles along the road before they dash out as impediments for a player to maneuver a vehicle around making a game more fun and challenging.

15. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (WO97/36261) in view of Mukojima et al. (U.S. 5,768,393) as applied to claims 10, 21-22, 30-31, and 33 listed above and in further view of Logg (U.S. 5,616,031).

Takahashi et al. in view of Mukojima et al. teaches that as discussed above with respect to claims 10, 21-22, 30-31, and 33. Takahashi et al. in view of Mukojima et al. meets all of the applicant's claimed subject matter with respect to claim 26 with the possible exception of the processing method wherein a radar image produced shows the field of vision of the character and enemy. Logg does have a radar image (figure 4), but remains silent to the field of vision feature that enables a player's character to see an enemy's field of vision, in addition to his own, on the radar image displayed on the display unit. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to modify Takahashi's game device to display a radar image such that the field of vision was in the direction of movement towards an

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enemy in the same line of sight as the “locking on” mechanism described in Logg to make a game easier to play.

Regarding claim 27, Takahashi et al. in view of Mukojima et al. meets all of the applicant’s claimed subject matter with the possible exception of the processing method wherein a radar image changes color when a character gets in the player’s field of vision. Logg shows, in column 11, lines 13-15, an image processing method that produces and displays an image on the display unit of a target reticle for “locking on” to airborne targets that changes from red to white when a target is locked on to get the player’s attention. It would have been obvious to one having ordinary skill in the art, at the time of the applicant’s invention, to provide a radar image that changed colors when an opposing vehicle target was within striking distance to get a player’s attention to “lock on” and destroy an enemy target in the Takahashi et al. game.

Regarding claim 28, Takahashi et al. in view of Mukojima et al. meets all of the applicant’s claimed subject matter with the possible exception of the processing method wherein different sound effects are produced depending on what scene image is displayed. Mukojima et al. teaches of a processing method that contains a sound source processor unit that controls sound to be generated according to the position and direction of an object. It would have been obvious to one having ordinary skill in the art, at the time of the application, to generate a gradually louder sound as an opposing vehicle drove toward an opposing character to make a game seem more realistic.

16. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (WO97/36261) in view of Mukojima et al. (U.S. 5,768,393) as applied to claims 10, 21-22, 30-31, and 33 listed above and in further view of “Corpse Killer” (Video Game by 3DO).

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Takahashi et al. in view of Mukojima et al. teaches that as discussed above with respect to claims 10, 21-22, 30-31, and 33. Takahashi et al. in view of Mukojima et al. meets all of the applicant's claimed subject matter with the possible exception of the processing method wherein a character can selectively choose and use any one item displayed on the display unit and scrolled in sequence. The video game, "Corpse Killer," teaches of a 3DO hand controller that allows a player to scroll through a menu on the bottom of the display unit and change the type of ammunition that the main characters are utilizing to kill the corpses by pressing the "B" button repeatedly. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to modify the game device of Takahashi et al., to utilize the push buttons on the video game control panel, to scroll through a variety of weapons in sequence, to choose to defend a character upon an ambush by an enemy while driving along the side of the road.

Response to Arguments

17. Applicant's arguments, see pages 2-14, filed July 6, 2004, with respect to the rejection(s) of claim(s) 1-42 have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon consideration of the newly submitted information disclosure statement, a new ground(s) of rejection is made above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Thursday, 6:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (703) 308-2064. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott E. Jones
Examiner
Art Unit 3713

sej

A handwritten signature in black ink, appearing to read "Scott E. Jones".